



Sen. John M. Sullivan

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09300HB3828sam001

LRB093 12984 RAS 51945 a

1 AMENDMENT TO HOUSE BILL 3828

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3828 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by  
5 changing Section 12.5 as follows:

6 (415 ILCS 5/12.5)

7 Sec. 12.5. NPDES discharge fees; sludge permit fees.

8 (a) Beginning July 1, 2003, the Agency shall assess and  
9 collect annual fees (i) in the amounts set forth in subsection  
10 (e) for all discharges that require an NPDES permit under  
11 subsection (f) of Section 12, from each person holding an NPDES  
12 permit authorizing those discharges (including a person who  
13 continues to discharge under an expired permit pending  
14 renewal), and (ii) in the amounts set forth in subsection (f)  
15 of this Section for all activities that require a permit under  
16 subsection (b) of Section 12, from each person holding a  
17 domestic sewage sludge generator or user permit.

18 Each person subject to this Section must remit the  
19 applicable annual fee to the Agency in accordance with the  
20 requirements set forth in this Section and any rules adopted  
21 pursuant to this Section.

22 (b) Within 30 days after the effective date of this  
23 Section, and by May 31 of each year thereafter, the Agency  
24 shall send a fee notice by mail to each existing permittee

1 subject to a fee under this Section at his or her address of  
2 record. The notice shall state the amount of the applicable  
3 annual fee and the date by which payment is required.

4 Except as provided in subsection (c) with respect to  
5 initial fees under new permits and certain modifications of  
6 existing permits, fees payable under this Section for the 12  
7 months beginning July 1, 2003 are due by the date specified in  
8 the fee notice, which shall be no less than 30 days after the  
9 date the fee notice is mailed by the Agency, and fees payable  
10 under this Section for subsequent years shall be due on July 1  
11 or as otherwise required in any rules that may be adopted  
12 pursuant to this Section.

13 (c) The initial annual fee for discharges under a new  
14 individual NPDES permit or for activity under a new individual  
15 sludge generator or sludge user permit must be remitted to the  
16 Agency prior to the issuance of the permit. The Agency shall  
17 provide notice of the amount of the fee to the applicant during  
18 its review of the application. In the case of a new individual  
19 NPDES or sludge permit issued during the months of January  
20 through June, the Agency may prorate the initial annual fee  
21 payable under this Section.

22 The initial annual fee for discharges or other activity  
23 under a general NPDES permit must be remitted to the Agency as  
24 part of the application for coverage under that general permit.

25 If a requested modification to an existing NPDES permit  
26 causes a change in the applicable fee categories under  
27 subsection (e) that results in an increase in the required fee,  
28 the permittee must pay to the Agency the amount of the  
29 increase, prorated for the number of months remaining before  
30 the next July 1, before the modification is granted.

31 (d) Failure to submit the fee required under this Section  
32 by the due date constitutes a violation of this Section. Late  
33 payments shall incur an interest penalty, calculated at the  
34 rate in effect from time to time for tax delinquencies under

1 subsection (a) of Section 1003 of the Illinois Income Tax Act,  
2 from the date the fee is due until the date the fee payment is  
3 received by the Agency.

4 (e) The annual fees applicable to discharges under NPDES  
5 permits and Section 401 certifications are as follows:

6 (1) For NPDES permits for publicly owned treatment  
7 works, other facilities for which the wastewater being  
8 treated and discharged is primarily domestic sewage, and  
9 wastewater discharges from the operation of public water  
10 supply treatment facilities, the fee is:

11 (i) \$100 ~~\$1,500~~ for facilities with a Design  
12 Average Flow rate of less than 10,000 ~~100,000~~ gallons  
13 per day;

14 (ii) \$200 for facilities with a Design Average Flow  
15 rate of at least 10,000 gallons per day but less than  
16 20,000 gallons per day;

17 (iii) \$300 for facilities with a Design Average  
18 Flow rate of at least 20,000 gallons per day but less  
19 than 30,000 gallons per day;

20 (iv) \$400 for facilities with a Design Average Flow  
21 rate of at least 30,000 gallons per day but less than  
22 40,000 gallons per day;

23 (v) \$500 for facilities with a Design Average Flow  
24 rate of at least 40,000 gallons per day but less than  
25 50,000 gallons per day;

26 (vi) \$600 for facilities with a Design Average Flow  
27 rate of at least 50,000 gallons per day but less than  
28 60,000 gallons per day;

29 (vii) \$700 for facilities with a Design Average  
30 Flow rate of at least 60,000 gallons per day but less  
31 than 70,000 gallons per day;

32 (viii) \$800 for facilities with a Design Average  
33 Flow rate of at least 70,000 gallons per day but less  
34 than 80,000 gallons per day;

1            (ix) \$900 for facilities with a Design Average Flow  
2 rate of at least 80,000 gallons per day but less than  
3 90,000 gallons per day;

4            (x) \$1,000 for facilities with a Design Average  
5 Flow rate of at least 90,000 gallons per day but less  
6 than 100,000 gallons per day.

7            (xi) \$2,500 ~~(ii) \$5,000~~ for facilities with a  
8 Design Average Flow rate of at least 100,000 gallons  
9 per day but less than 500,000 gallons per day;

10           (xii) \$3,000 ~~(iii) \$7,500~~ for facilities with a  
11 Design Average Flow rate of at least 500,000 gallons  
12 per day but less than 1,000,000 gallons per day;

13           (xiii) \$6,000 ~~(iv) \$15,000~~ for facilities with a  
14 Design Average Flow rate of at least 1,000,000 gallons  
15 per day but less than 5,000,000 gallons per day;

16           (ixv) \$9,000 ~~(v) \$30,000~~ for facilities with a  
17 Design Average Flow rate of at least 5,000,000 gallons  
18 per day but less than 10,000,000 gallons per day; and

19           (xv) \$12,000 ~~(vi) \$50,000~~ for facilities with a  
20 Design Average Flow rate of 10,000,000 gallons per day  
21 or more.

22           (2) For NPDES permits for treatment works or sewer  
23 collection systems that include combined sewer overflow  
24 outfalls, the fee is:

25           (i) \$500 ~~\$1,000~~ for systems serving a tributary  
26 population of 10,000 or less;

27           (ii) \$2,500 ~~\$5,000~~ for systems serving a tributary  
28 population that is greater than 10,000 but not more  
29 than 25,000; and

30           (iii) \$7,000 ~~\$20,000~~ for systems serving a  
31 tributary population that is greater than 25,000.

32           The fee amounts in this subdivision (e)(2) are in  
33 addition to the fees stated in subdivision (e)(1) when the  
34 combined sewer overflow outfall is contained within a

1 permit subject to subsection (e) (1) fees.

2 (3) For NPDES permits for mines producing coal, the fee  
3 is \$2,000 ~~\$5,000~~.

4 (4) For NPDES permits for mines other than mines  
5 producing coal, the fee is \$1,000 ~~\$5,000~~.

6 (5) For NPDES permits for industrial activity where  
7 toxic substances are not regulated, other than permits  
8 covered under subdivision (e) (3) or (e) (4), the fee is:

9 (i) \$500 ~~\$1,000~~ for a facility with a Design  
10 Average Flow rate that is at least not more than 10,000  
11 gallons per day but not more than 100,000 gallons per  
12 day; and

13 ~~(ii) \$2,500 for a facility with a Design Average~~  
14 ~~Flow rate that is more than 10,000 gallons per day but~~  
15 ~~not more than 100,000 gallons per day; and~~

16 (ii) \$3,500 ~~(iii) \$10,000~~ for a facility with a  
17 Design Average Flow rate that is more than 100,000  
18 gallons per day.

19 (6) For NPDES permits for industrial activity where  
20 toxic substances are regulated, other than permits covered  
21 under subdivision (e) (3) or (e) (4), the fee is \$6,000.~~+~~

22 ~~(i) \$15,000 for a facility with a Design Average~~  
23 ~~Flow rate that is not more than 250,000 gallons per~~  
24 ~~day; and~~

25 ~~(ii) \$20,000 for a facility with a Design Average~~  
26 ~~Flow rate that is more than 250,000 gallons per day.~~

27 (7) For NPDES permits for industrial activity  
28 classified by USEPA as a major discharge, other than  
29 permits covered under subdivision (e) (3) or (e) (4), the fee  
30 is:

31 (i) \$9,000 ~~\$30,000~~ for a facility where toxic  
32 substances are not regulated; and

33 (ii) \$12,000 ~~\$50,000~~ for a facility where toxic  
34 substances are regulated.

1 (8) For NPDES permits for municipal separate storm  
2 sewer systems, the fee is \$500 ~~\$1,000~~.

3 (9) For NPDES permits for construction site or  
4 industrial storm water, the fee is \$250 ~~\$500~~.

5 (10) For water quality certifications required under  
6 Section 401 of the federal Clean Water Act, the fee is  
7 \$200.

8 (f) The annual fee for activities under a permit that  
9 authorizes applying sludge on land is \$1,000 ~~\$2,500~~ for a  
10 sludge generator permit and \$2,000 ~~\$5,000~~ for a sludge user  
11 permit.

12 (g) More than one of the annual fees specified in  
13 subsections (e) and (f) may be applicable to a permit holder.  
14 These fees are in addition to any other fees required under  
15 this Act.

16 (h) The fees imposed under this Section do not apply to the  
17 State or any department or agency of the State, nor to any  
18 school district.

19 (i) The Agency may adopt rules to administer the fee  
20 program established in this Section. The Agency may include  
21 provisions pertaining to invoices, notice of late payment, and  
22 disputes concerning the amount or timeliness of payment. The  
23 Agency may set forth procedures and criteria for the acceptance  
24 of payments. The absence of such rules does not affect the duty  
25 of the Agency to immediately begin the assessment and  
26 collection of fees under this Section.

27 (j) All fees and interest penalties collected by the Agency  
28 under this Section shall be deposited into the Illinois Clean  
29 Water Fund, which is hereby created as a special fund in the  
30 State treasury. Gifts, supplemental environmental project  
31 funds, and grants may be deposited into the Fund. Investment  
32 earnings on moneys held in the Fund shall be credited to the  
33 Fund.

34 Subject to appropriation, the moneys in the Fund shall be

1 used by the Agency to carry out the Agency's clean water  
2 activities.

3 (k) (Blank). ~~Fees paid to the Agency under this Section are~~  
4 ~~not refundable.~~

5 (Source: P.A. 93-32, eff. 7-1-03.)

6 Section 99. Effective date. This Act takes effect January  
7 1, 2005."